UNITED STATES PATENT AND TRADEMARK OFFICE

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ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/977,138	ODOM ET AL.
	Examiner	Art Unit
	C. Marks	3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _15 July 2003_ .

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-48_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-48_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Double Patenting

The Examiner acknowledges the willingness of the Applicant to submit a terminal

disclaimer upon allowance of the claims. The claims do remain rejected under the judicially

created doctrine of obviousness-type double patenting until that disclaimer is filed. The rejection

is repeated below:

Claims 1-36 (the '138 claims) provisionally rejected under the judicially created doctrine

of obviousness-type double patenting as being unpatentable over claims 1-11, 13, 19-23, 14-15,

24-25, and 28-36 of copending Application No. 10/121,884 (the '884 claims). Although the

conflicting claims are not identical, they are not patentably distinct from each other for the

reasons outlined below.

Claim 1 ('138) is obvious over claim 1 ('884) as it would be obvious to not randomize

the cards prior to insertion into the data structure.

Claim 1 ('138) is obvious over claim 11 ('884) as claim 11 adds the step of randomizing

the cards into a serial order already present in claim 1.

Claim 1 ('138) is obvious over claim 13 ('884) as claim 13 adds the step of displaying

each card and then depleting the card from the inventory that is already present in step one.

Claim 2 ('138) is obvious over claim 2 ('884) as both claims add the step of displaying

the constituency at the completion of each hand of play.

Claim 3 ('138) is obvious over claim 3 ('884) as both claims add the step of displaying

the constituency after the selection and display of the card.

Claim 4 ('138) is obvious over claim 4 ('884) as both claims add the step of reconstituting at a predetermined point in the count.

Claim 5 ('138) is obvious over claim 5 ('884) as both claims add the step of allowing the player to call for reconstitution.

Claim 6 ('138) is obvious over claim 6 ('884) as both claims add the step of displaying the deck constituency in a table.

Claim 7 ('138) is obvious over claim 7 ('884) as both claims add the step of displaying in the table the values and suits corresponding to the data.

Claim 8 ('138) is obvious over claim 8 ('884) as both claims add the step of reconstituting at a count or a trigger.

Claim 9 ('138) is obvious over claim 9 ('884) as both claims add the step of reconstituting at a count, trigger, or the player prompting.

Claim 10 ('138) is obvious over claim 10 ('884) as both claims add the step of displaying a pay table reconfigured to display only possible outcomes.

Claim 11 ('138) is obvious over claim 19 ('884) as storing the data in a data structure arranged in random order is an obvious alternative to having the processor randomly choose the data directly.

Claim 12 ('138) is obvious over claim 20 ('884) as both claims add the limitation of the processing displaying the constituency of the deck.

Claim 13 ('138) is obvious over claim 21 ('884) as both claims add the limitation of displaying the data after the selection and display of the card.

Claim 14 ('138) is obvious over claim 22 ('884) as both claims add the limitation of reconstituting at a predetermined point in the count.

Claim 15 ('138) is obvious over claim 23 ('884) as both claims add the limitation of an input device to prompt the reconstitution of the deck.

Claim 16 ('138) is obvious over claim 19 ('884) as it would be obvious to display data that is to be read by the user in a table in order to aid comprehension.

Claim 17 ('138) is obvious over claim 1 ('884) as randomizing the data in the data structure would have been obvious to one of ordinary skill in the art in order to ensure that the desired odds are attained and cheating can not occur.

Claim 18 ('138) is obvious over claim 2 ('884) as both claims add the step of displaying the constituency data at the completion of each hand of play.

Claim 19 ('138) is obvious over claim 3 ('884) as both claims add the step of displaying the constituency data after the display of the card.

Claim 20 ('138) is obvious over claim 4 ('884) as both claims add the step of using a counter to determine when to reconstitute the card data.

Claim 21 ('138) is obvious over claim 5 ('884) as both claims add the step of allowing the player to prompt for reconstitution.

Claim 22 ('138) is obvious over claim 6 ('884) as both claims add the step of displaying the constituency data in a table.

Claim 23 ('138) is obvious over claim 7 ('884) as both claims add the step of displaying the value and suit of the cards in the table.

Claim 24 ('138) is obvious over claim 8 ('884) as both claims add the step of reconstituting at either a count or a trigger.

Claim 25 ('138) is obvious over claim 9 ('884) as both claims add the step of reconstituting at a counter, trigger, or player prompting.

Claim 26 ('138) is obvious over claim 10 ('884) as both claims add the step of displaying a paytable that corresponds to only possible winning outcomes.

Claim 27 ('138) is obvious over claims 25 ('884) as storing the data in a data structure arranged in random order is an obvious alternative to having the processor randomly choose the data directly.

Claim 28 ('138) is obvious over claim 28 ('884) as both claims add the limitation of the processor displaying the remaining constituency in the deck.

Claim 29 ('138) is obvious over claim 29 ('884) as both claims add the limitation of displaying the constituency of data after display of the card.

Claim 30 ('138) is obvious over claim 30 ('884) as both claims add the limitation of a counter to determine when a certain number of cards have been played and to reconstitute once a certain number has been reached.

Claim 31 ('138) is obvious over claim 31 ('884) as both claims add the limitation of providing an input device to prompt reconstitution.

Claim 32 ('138) is obvious over claim 32 ('884) as both claims add the limitation of displaying the constituency data in a table.

Claim 33 ('138) is obvious over claim 33 ('884) as both claims add the limitation of displaying the value and suits of the card in the constituency table.

Claim 34 ('138) is obvious over claim 34 ('884) as both claims add the limitation of using a Joker as a triggering card for reconstitution.

Claim 35 ('138) is obvious over claim 35 ('884) as both claims add the limitation of adding a third condition for limitation wherein a player can input a signal for reconstitution.

Claim 36 ('138) is obvious over claim 36 ('884) as both claims add the limitation of displaying a paytable that changes based upon winning outcomes eliminated.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Objections

Claims 46-48 are objected to because of the following informalities: The claims end with two periods. Further, claim 48 contains a typographical error in that it recites o when it should say of. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2-4, 6-14, 16-20, 22-30, 32-38 and 40-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuchs (US Patent No. 5,630,753) in view of Kinoshita et al. (US Patent No. 5,967,894).

Fuchs disclose a method and apparatus for playing a card game wherein a processor selects data symbols from a large number of predetermined in accordance with a randomizing

criteria (Column 1, lines 15-18). Thus the predetermined number of symbols represents a fixed amount. These symbols from which the processor selects are inherently stored in a data structure. The player can then place a wager (Column 7, lines 45-51). The player can then play a series of hands according to the rules of the game and for each hand of play the symbols are selected from the data structure (Column 1, lines 15-18) and are presented on a display representing an initial holding of cards (FIG 1). One of ordinary skill in the art understands according to the rules of poker that this hand will be evaluated according to the rules to see if the outcome is a winning outcome and the player is thus rewarded. Once a symbol has been presented, the card data is depleted for further selection and display (Column 9, lines 55-67). Card data about previous hands is also shown (Column 9, lines 55-67). The player can then play a subsequent amount of hands (Column 9, lines 60-67).

With regard also to claim 41, it is disclosed that the number of symbols are predetermined (Column 9, lines 23-27), and are selected randomly (Column 1, lines 15-18). Further, it is axiomatic to the functionality of the device that the symbols would be stored in a data structure for access. Fuchs discloses that the symbols are displayed in accordance with a pre-established game plan and are stored in a list (Column 4, lines 45-53). Henceforth, it would be obvious to one of ordinary skill in the art that the symbols could be accessed randomly from the list data structure, or alternatively stored in a random order in the list data structure and then accessed serially. Both are well known methods of randomizing data and absent a showing of criticality would have been equivalent design choices to one of ordinary skill in the art.

Fuchs then discloses that the initial hand can be completed by holding cards (Column 6, lines 37-40) and by replacing select cards (Column 3, lines 1-8). If a player chooses to replace

the cards, the processor replaces the card with still available game symbols that are the next

random card to determine a final outcome (Column 1, lines 36-38).

Fuchs also discloses that at the player's request, or because of a repeatedly appearing

display of new cards, the player can be presented with a display of the initial game symbols

available at the start of the game (Column 9, lines 47-51). Upon a hand being played, the display

(FIG 5) will be updated to reflect the new inventory of the symbols (Column 9, lines 54-67)

available for selection and display. The display of the constituency of the deck is in the form of

a table (FIG 5) including values. The computer will then determine if a player is a winner or

loser and issue an award if applicable (Column 10, lines 30-34). Because it is disclosed that the

machine will pay out a win as a function of the wins scored by the player, it is axiomatic that a

second data structure would be storing a reference table to reference a win amount with a player

combination.

Fuchs discloses that the computer unit displays a number of other or all possible

attainable win-related combinations (Column 1, lines 45-55). One of ordinary skill in the art

could thus say that information is displayed regarding winning outcomes that have been

eliminated. This is achieved by disregarding the display of the information altogether.

Kinoshita et al. disclose an alternate way to display information to the player about any

winning outcomes that have become eliminated. Kinoshita discloses a paytable wherein

outcomes that have been eliminated are displayed with a shading or alternate color (FIG 8(a) or

8(b)). Kinoshita et al. provides motivation for using such a display that it will help a player who

is not familiar with the card game more easily become associated with it (Column 1, lines 40-48)

as well as allows the player to visibly distinguish prize winning hands (Column 3, lines 15-20).

One of ordinary skill in the art understands from the disclosure of Fuchs that possible

combinations could be eliminated before the actual inventory is refreshed. Otherwise, the

inventory could only last one turn and have to be constantly refreshed. Thus, it would have been

obvious to one of ordinary skill in the art to incorporate the display method of Kinoshita et al.

into the system of Fuchs. One would be motivated to implement the teachings of Kinoshita et al.

into the Fuchs system in order to provide the player with a more informative display and help a

player who is not familiar with the card game learn the game more easily and become associated

with it by seeing not only outcomes that are possible, but those that have been eliminated.

Regarding claims 2-3, 12-13, 18-19 and 28-29, the display is shown upon completion of

the hand as it is stated that from game to game the symbols offered to the player would be

deducted (Column 9, lines 61-65). It is also possible to display the constituency of the deck data

after the selection and display of the card (Column 6, lines 6-36).

Regarding claims 4, 8-9, 14, 20, 24-25, 30 and 34-35, Fuchs also discloses that it is

advantageous to proceed in such a manner that after a certain number of hands and/or after the

presentation of a certain symbol, it is possible to reset the entire number of game symbols

(Column 3, lines 46-53) for further selection and display. Though Fuchs discloses that a certain

number of hands are used as the determining factor, it would be obvious to one of ordinary skill

in the art to use a certain number of symbols as the limiting factor. One would be motivated to

do this because the symbols represent the actual inventory, thus provide a better indication of

when the count of cards may be getting low. Inherently, a counter would be used to determine

the number of symbols in order to issue a signal to reconstitute at a certain number. Therefore,

after a certain predetermined number of symbols have been presented, or a triggering symbol, the

entire stock of symbols s reconstituted into new symbol data for use in the game. Fuchs

discloses this predetermined symbol to be the appearance of a joker (Column 3, lines 48-50).

Regarding claims 6, 16, 22 and 32, upon a hand being played the display (FIG 5) will be

updated to reflect the new inventory of the symbols (Column 9, lines 54-67). The display of the

constituency of the deck is in the form of a table (FIG 5) including values.

Regarding claims 7, 23 and 33, the disclosed embodiment is for slot machine symbols but

in the poker embodiment it would be obvious that the display of the symbols would be for the

suits and values of the card. One of ordinary skill in the art would be motivated to do this in

order to further inform the player about the data regarding the deck in accordance with the

disclosure of Fuchs in that by modifying and perhaps improving the game situation and prospects

of winning against the machine, the actual or apparent improvement in the player's situation

greatly enhances the attractiveness of the gaming machine (Column 2, lines 50-55). Displaying

both the suits and numbers would indeed meet this goal.

Regarding claims 10, 26 and 36, Fuchs further discloses a paytable that is recalculated

from game to game as a function of the possible game symbols to display some or all of the

winning combinations (Column 10, lines 30-55). The display of Fuchs differs in principle from

the fixed lists of all possible winning combinations that are presented on normal gaming

machines because the information offered to the player is dependent on the game symbols

actually appearing in the display symbols or on the symbols which have been held over from a

previous game. Therefore, the paytable reflects only the possible winning outcomes to aid the

player with the relevant information they need in the shortest time possible (Column 10, lines 30-58).

Regarding new claim 38, Fuchs discloses that in order to ensure that an adequate number of game symbols is available at all times, provision can be made that after a certain number of game or after certain game symbols have appeared, the number of game symbols that can be added to in a random or predetermined fashion. It would be obvious to one of ordinary skill in the art, especially when playing poker, that once the provision for reshuffling has been met, to reconstitute the deck to a form representing the entire deck, as is notoriously known in the art when a card or poker game reaches the point of reshuffle. One would be motivated to do this in order to allow the reconstitution to properly model the rules of how poker is played.

Regarding new claim 40, Kinoshita et al. disclose in a poker game showing a winning outcome award schedule for predetermined winning poker hand outcomes and where depletion of data has eliminated the availability of an award, indicating such (FIG 8a and 8b).

Regarding new claims 42-43, the elements of the method have been discussed above and are incorporated herein based upon the disclosure of Fuchs and Kinoshita et al. Further, it is known and obvious in the art that when playing cards, the card data includes Clubs, Diamonds, Hearts, Spades, and Joker. It was discussed above how it would be obvious to the disclosures to include the suits display in a poker embodiment as well as why one of ordinary skill in the art would display hands that are no longer possible. Fuchs supports allowing complete depleting indicia, as one of ordinary skill in the art would certainly understand how such an event could occur based on the disclosure of Fuchs and the manner in which it was discussed above. In the manner of displaying exhausted cards as opposed to exhausted outcomes, displaying cards over

the hands is a design choice of one of ordinary skill in the art, as all the data needed to do such would be present in the system of Fuchs and Kinoshita et al. and the actual display would be a design choice in accordance with the teachings of Kinoshita to further help the player learn the game.

Regarding new claims 44-46, the elements of the method have been discussed above and are incorporated herein based upon the disclosure of Fuchs and Kinoshita et al. Further, Fuchs discloses that symbols that have already been selected and displayed are deducted (column 9, lines 60-65) for the data structure and thus one of ordinary skill in the art would understand they are further excluded. Regarding claim 46, reasons why one of ordinary skill in the art would reconstitute to a full shuffle are discussed above.

Regarding new claims 47-48, the elements of the apparatus have been discussed above and are incorporated herein based upon the disclosure of Fuchs and Kinoshita et al. Further, both prior art systems are indeed played on an electronic device wherein the processor controls the display.

Claims 5, 15, 21, 31 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuchs (US Patent No. 5,630,753) in view of Kinoshita et al. (US patent No. 5,967,894) further in view of Richardson et al. (US Patent No. 5,042,809).

What Fuchs and Kinoshita et al. disclose, teach, and/or suggest has been discussed above and is incorporated herein.

Fuchs discloses reconstituting the inventory when a certain number of symbols have been

played or when a certain triggering symbol appears. However, Fuchs does not disclose allowing

the player to call for a reconstitution.

Richardson discloses a game where a fixed number of predetermined chances are also

used in the form of pull-tabs (Abstract). The number of winning pull-tabs left and the major

prizes left are displayed to the player (FIG 3). Richardson provides the player with an input

device that can be used to call for a new deal at any time after playing one hand (Abstract,

Column 3, lines 66-67). Richardson discloses that it is advantageous to allow for a new deal

after all the winning chances have been redeemed or if all the major chances have been redeemed

in order to keep the player playing. By incorporating this rule and then allowing a player to

reconstitute the winning chances, the player will feel in more control of the machine, as they will

be allowed to restore all the winning possibilities at any time and thus be more inclined to

continue play as no player would continue play on a machine that clearly indicates no winning

chances remain. Therefore, it would have been obvious to one of ordinary skill in the art to

incorporate this feature in to the device of Fuchs in order to allow the player to call for a

reconstitution in addition to the reconstitution already disclosed. In application to Fuchs, it

would have been obvious to one of ordinary skill in the art that the cards disclosed by Fuchs

would represent the chances disclosed by Richardson. When a certain card is disposed of, thus

generating an impossible outcome for the player, the player would be able to, by applying the

teachings of Richardson (Abstract), call for a reconstitution. One would be motivated to make

this combination to allow the player to feel they have a better shot of winning, thus causing the

player to play more on the game. Fuchs discloses that when a player feels his game situation is

improved and the prospect of winning greater, the actual or apparent improvement in the player's

situation greatly enhances the attractiveness of the machine. Thus by allowing the player the

power to reconstitute the inventory as taught by Richardson, this goal would be achieved.

Response to Arguments

Applicant's arguments filed 12 October 2001 have been fully considered but they are not

persuasive.

Regarding Applicants claim that Fuchs does not disclose including the feature of

displaying information that certain outcomes have been eliminated by deck depletion is moot in

view of the new grounds of rejection disclosed above.

Regarding Applicants claim that Fuchs teaches away from displaying information that

certain outcomes have been eliminated, the Examiner respectfully disagrees. The Examiner

asserts that just because provisions are made to allow the symbols to be refreshed does not teach

away from such a feature. Fuchs does not teach, as claimed by Applicant that there must always

be an adequate amount of winning outcomes; therefore, Fuchs teaches away from featuring

certain outcomes that have been eliminated. Fuchs merely teaches that provisions can be made

after a certain number of symbols are used, that other symbols could be added. One of ordinary

skill in the art certainly understands that random processes could eliminate winning outcomes

before this refresh event occurs.

Regarding Applicants claim that Fuchs does not disclose or suggest the feature of

reconstituting the inventory to the original N data on player command, depletion to a certain

level or based on a trigger, the argument is conclusionary as it provides not support for the

assertion and the Examiner respectfully disagrees as detailed above.

Regarding Applicants arguments that Richardson is not random in the same way the Applicant's invention is, the Examiner respectfully submits that argument is not coterminous with what is being claimed and does not relate to the teachings garnished from Richardson and applied to Fuchs. The teachings are directed to reconstituting an inventory after certain winning combinations are already played.

Regarding Applicants claims that Richardson '809 teaches away from the present invention, the Examiner respectfully disagrees. The type of game Richardson discloses is not relied upon, the teaching of reconstituting a dead inventory is that which the Examiner based the rejection. In response to the fact that the Applicant ascertains that Richardson does not permit reconstitution of the original inventory, the Examiner respectfully submits that when the teaching garnished from Richardson is applied to a card game as disclosed by Fuchs, one of ordinary skill in the art would understand that the original inventory would be replenished, as both slot machines and card games have fixed symbols for use. This point is further addressed in the above rejections.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). The type of game employed by Richardson does not affect the value of the teachings. Further, the Examiner has provided the proper motivation and suggestion in the previous office

action. Repeating the previous Office Action: 1) Richardson discloses that it is advantageous to allow for a new deal after all the winning chances have been redeemed or if all the major chances have been redeemed and 2) Fuchs discloses that when a player feels his game situation is improved and the prospect of winning greater, the actually or apparent improvement of the player's situation greatly enhances the attractiveness of the machine. One of ordinary skill in the art would understand that by allowing the player to call for a reconstitution when the player believes all the winning or major chances have been played, the device would achieve the goal desired by Fuchs by allowing the player to further perceive an improvement of their situation. Thus the benefit disclosed by Richardson complements the goal of Fuchs, thus providing one of ordinary skill in the art a suggestion to combine as well as a motivation to do so.

Regarding new claims 37-48, the arguments are moot in view of the grounds of rejection disclosed above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5,876,283: Disclosure concerning how it is known in the art of cards to shuffle the deck and allows a player to choose a position a certain number of cards down and when the deck reaches the position of that card, the deck is reshuffled.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
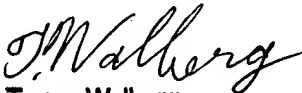
A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to C. Marks whose telephone number is (703)-305-7497. The

examiner can normally be reached on Monday - Thursday (7:30AM - 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Teresa J Walberg can be reached on (703)-308-1327. The fax phone number for the

organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703)-308-1148.

cmm
September 30, 2003

Teresa Walberg
Supervisory Patent Examiner
Group 3700